

Restriction Requirement

I provisionally elect Claims 1 – 6 with traverse.

Claims in group I (Claims 1 – 6), group II (Claims 7 & 8), group III (Claim 9), group IV (Claim 10), and group V (Claim 11) are patentable over each other.

The restriction requirement is improper. According to MPEP 803, “There must be a serious burden on the examiner if restriction is required,” and, “If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (emphasis added)

Further, according to MPEP 808.02, “Where the related inventions as claimed are shown to be distinct under the criteria of MPEP 806.05(c) – 806.05(i), the examiner, in order to establish reasons for insisting on upon restriction, must show by appropriate explanation one of the following:

- A. Separate classification thereof:.....
- B. A separate status in the art when they are classifiable together:.....
- C. A different field of search:.....

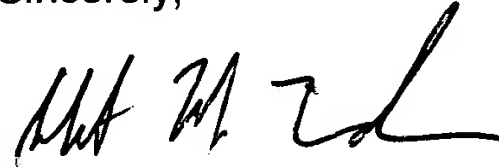
Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.” (emphasis added)

The examiner has stated, but failed to show how “these inventions ... have acquired a separate status in the art.” The examiner must cite patents or other references for *each* group that do not contain subject matter of *any* of the other groups to support his assertion that the groups contain “recognized divergent subject matter.” See MPEP 808.02.

Conclusion

The restriction requirement is improper. Independent inventors such as me cannot afford to finance the operations of the patent office and should not be unfairly badgered into paying extra filing fees. Therefore I respectfully request that the application be considered for issuance in its original form.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. M. Zeidman', written in a cursive style.

Robert M. Zeidman

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